GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Constitution of One-man Commission under Commission of Inquiry Act, 1952 (Central Act-60 of 1952) - Appointment of Sri Rajiv Ranjan Mishra, I.A.S.(Retd.), as One-man Commission to suggest specific recommendations on sub-classification of Scheduled Castes among the various sub-groups of Scheduled Castes in the State of Andhra Pradesh in light of Judgment of the Hon'ble Supreme Court(State of Punjab & Ors. Vs Davinder Singh & Ors.(Civil Appeal No.2317 of 2011), dated:01.08.2024 - Notification - Orders - Issued.

SOCIAL WELFARE (CV) DEPARTMENT

G.O.MS.No. 86 Dated: 15-11-2024

Read the following:

1) Hon'ble Supreme Court of India Judgment Dt.01.08.2024 in Civil Appeal No.2317 of 2011 in the case of the State of Punjab and other vs Davinder Singh and others.
2) From the Director of Social Welfare, AP., e-file bearing Computer No.2618128.

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O R D E R:

The Constitution Bench of Hon'ble Supreme Court consisting of (7) Judges has pronounced its judgment in W.P.Civil Appeal No.2317 of 2011 combined with other petitions including W.P.(C) No.562 of 2022 filed by Madiga Reservation Porata Samithi on dated 01.08.2024 regarding Sub-Classification within the Scheduled Castes.

Key points of the Judgment

- Sub-classification within the SCs does not violate Article 341(2) because the castes are not per se included in or excluded from the List.
- Objective of any form of affirmative action including sub-classification is to provide substantive equality of opportunity for the backward classes.
- Substantive equality refers to the principle that the law must account for the different backgrounds and historical injustices faced by persons or groups.
- State can sub-classify based on inadequate representation of certain castes. However, the State must establish that the inadequacy of representation of a caste/group is because of its backwardness.
- State must collect data on the inadequacy of representation in the "services of the State".
- State cannot act on its whims or political expediency and its decision is amenable to judicial review.
- State is not entitled to reserve 100% of the seats available for SCs in favour of a group to the exclusion of other castes in the President's List.
- Four of the seven judges on the Bench separately opined that the creamy layer principle is also applicable to the Scheduled Castes & Scheduled Tribes.

2. Government have examined the orders of Hon'ble Supreme Court of India in detail and decided to constitute a One Man Commission to suggest the specific recommendations on sub-classification of Scheduled Castes. Accordingly, the Government hereby appoint Sri Rajiv Ranjan Mishra, I.A.S.(Retd.) as One Man Commission to suggest the specific recommendations on sub-classification of Scheduled Castes to ensure the benefits of reservation policies are equitably distributed among the various sub-groups of Scheduled Castes in the State of Andhra Pradesh in the light of Judgment of the Hon'ble Supreme Court(State of Punjab & Ors. Vs Davinder Singh & Ors. (Civil Appeal No.2317 of 2011), dated: 01.08.2024 with certain terms and conditions.

[Contd..on P.2]

3. Accordingly the following Notification shall be published in an Extraordinary issue of the Andhra Pradesh Gazette Dt.15.11.2024.

NOTIFICATION

In exercise of the powers conferred under section 11 of the Commission of Inquiry Act, 1952 (Central Act No.60 of 1952), the Government of Andhra Pradesh hereby appoint Sri Rajiv Ranjan Mishra, I.A.S(Retd.), to suggest the specific recommendations on sub-classification of Scheduled Castes to ensure the benefits of reservation policies are equitably distributed among the various sub-groups of Scheduled Castes in the State of Andhra Pradesh in the light of Judgment of the Hon'ble Supreme Court(State of Punjab & Ors. Vs Davinder Singh & Ors. (Civil Appeal No.2317 of 2011), dated:01.08.2024 with the following terms and conditions:

a. To undertake a rationale sub-classification and grouping together of the homogeneous sub-castes of Scheduled Castes in the State of Andhra Pradesh by adopting a scientific methodology and by considering the available Contemporaneous Data and Census at District, Zonal and State Level.
b. To conduct empirical studies to identify inter-se backwardness within various sub-groups of Scheduled Castes in the State of Andhra Pradesh, by focusing on inadequacy of representation in the Services of the State and admissions into Educational Institutions.
c. To Examine various facets of the social, economic, political and educational backwardness among various sub-groups within Scheduled Castes and identify the manner of effective implementation of sub-classification of Scheduled Castes in the State of Andhra Pradesh, in terms of the Judgment of the Hon'ble Supreme Court in State of Punjab & Others vs Davinder Singh & Others in Civil Appeal No.2317 of 2011 on 01.08.2024.
d. To submit a report with specific recommendations on the above aspects and on all other measures required to be undertaken to ensure that the benefits of reservation policies are equitably distributed among the various sub-groups of Scheduled Castes within (60) days from the date of assumption of charge.

4. The Director of Social Welfare, A.P., Tadepalli shall make necessary arrangements for office accommodation, mobility, staff, communication and other necessary infrastructure to facilitate the Commission to conduct the said Inquiry.

5. All the officers concerned shall handover all the requisite documents and material evidence to the Commission of Inquiry, and assist the Commission.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. KANNA BABU
SECRETARY TO GOVERNMENT

To,
The Commissioner of Printing, Stationery & Stores Purchase (Pub.Wing), A.P.,
Vijayawada (for publication of the Notification in an extraordinary issue of
A.P. State Gazette, Dated:15.11.2024 and to supply 100 copies of
the same to this Department)
The Director of Social Welfare, A.P.Tadepalli, Guntur District.
Sri Rajiv Ranjan Mishra, I.A.S(Retd.)
(through the Director of Social Welfare, A.P.Tadepalli)

[Contd..on P.3]

Copy to:

The Principal Secretary to Government, Finance Department.
The Principal Secretary to Government, Planning Department.
The Secretary, A.P. State Commission for SCs.
The VC&MD, APSCCFC Ltd., Tadepalli.
The PS to Secretary to Government (Political),GAD,AP.
The PS to Hon'ble Minister for SW.
The PS to Chief Secretary to Government, Govt.of AP.
The PS to Secretary to Hon'ble CM.
Sf/Sc.

// FORWARDED:: BY ORDER //

SECTION OFFICER